

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

JAMES ADAMS, AIS 108239,

Plaintiff,

V.

**ASSISTANT WARDEN CARTER
DAVENPORT, ET AL.,
DEFENDANTS.**

Defendants.

2:06-CV-988-ID-DRB

ANSWER OF DEFENDANTS

COME NOW the Defendants, **ASSISTANT WARDEN CARTER DAVENPORT, LATRICE GREEN and TYRONE BARROW**, by and through the undersigned counsel, and for their Answer to the above-styled action, state as follows:

Defendants deny each and every material allegation made in the Complaint, and demand strict proof thereof.

Defendants deny that they violated any of the Plaintiff's constitutional rights.

Defendants deny that they violated the Plaintiff's due process rights.

Defendants deny that they caused or allowed to continue any unconstitutional condition of the Plaintiff's confinement.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a claim upon which relief may be granted.

The Defendants are immune from suit under the Eleventh Amendment to the United States Constitution.

The Defendants are immune from suit due to qualified immunity.

Respectfully submitted,

TROY KING
Attorney General

/s/ Benjamin H. Albritton
Benjamin H. Albritton ASB-0993-R67B
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 12th day of December, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

James Adams, AIS 108239
Decatur Community Based Work Release
1401 Highway 20 West
Decatur, AL 35601

/s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General